

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION

Case Number: 24-14294-CIV-MARTINEZ-MAYNARD

MORGAN STANLEY SMITH BARNEY LLC,

Plaintiff,

v.

CORBIN HOFFNER,

Defendant.

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ORDER ON REPORT AND RECOMMENDATION

THIS MATTER was referred to the Honorable Shaniek M. Maynard, United States Magistrate Judge, for a Report and Recommendation on Plaintiff's Motion for Temporary Restraining Order, (ECF No. 4). (ECF No. 10.) Judge Maynard filed a Report and Recommendation ("R&R"), which concluded that Plaintiff did not meet the requirements for the issuance of a TRO without notice to Defendant and an opportunity for him to be heard, and therefore recommended that the Motion be denied without prejudice. (ECF No. 15.) Plaintiff filed Objections to the R&R. (ECF No. 20.)

This Court has a duty to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). It also may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* The Court, having conducted a de novo review of the record and issues presented in the Objections, agrees with Magistrate Judge Maynard that Defendant's Motion is due to be denied without prejudice, particularly considering the subsequently filed Joint Motion for Entry of Stipulated Injunctive Order, (ECF No. 21).

Accordingly, after careful consideration, it is hereby **ADJUDGED** that

1. United States Magistrate Judge Maynard's Report and Recommendation, (ECF No. 15), is **AFFIRMED AND ADOPTED**.

2. Plaintiff's Objections, (ECF No. 20), are **OVERRULED**.

3. Plaintiff's Motion for Temporary Restraining Order, (ECF No. 4), is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 11 day of October, 2024.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copied provided to:
Magistrate Judge Maynard
All counsel of record